

AMENDED IN SENATE AUGUST 11, 1998

AMENDED IN SENATE JUNE 24, 1998

AMENDED IN ASSEMBLY APRIL 1, 1998

AMENDED IN ASSEMBLY MARCH 9, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1650

**Introduced by Assembly Member Richter
(Principal coauthor: Assembly Member Bowen)**

January 7, 1998

An act to amend Section 13480 of the Business and Professions Code, and to amend Sections 25281, 25299.10, 25299.13, 25299.37, 25299.39.2, 25299.52, 25299.54, 25299.57, and 25299.59 of, to add Sections 25299.11.5, 25299.62, and 25299.63 to, and to repeal and add Section 25299.56 of, the Health and Safety Code, relating to underground storage tanks. *Professions Code, relating to gasoline.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, as amended, Richter. ~~Underground storage tanks: gasoline~~ *Gasoline.*

~~(1) Existing~~

Existing law makes it a misdemeanor to sell any motor fuel that does not have a prescribed sign or label relating to the ethanol or methanol content.

This bill would repeal those provisions.

~~(2) Existing law generally regulates the storage of hazardous substances in underground storage tanks and requires underground storage tanks which are used to store hazardous substances and are installed after January 1, 1984, to meet certain requirements concerning secondary containment. Existing law defines the term “hazardous substance” for purposes of these provisions.~~

~~This bill would make technical revisions to that definition.~~

~~(3) Under existing law, the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, owners and operators of petroleum underground storage tanks are required to establish and maintain evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage arising from operating an underground storage tank. Existing law requires every owner of an underground storage tank to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund. The money in the fund may be expended by the State Water Resources Control Board, upon appropriation by the Legislature, for various purposes, including payment of a California regional water quality control board’s or local agency’s corrective action costs, and the payment of claims to aid owners and operators of petroleum underground storage tanks who take corrective action to clean up unauthorized releases from those tanks. Existing law provides that the fund may sue and be sued in its own name.~~

~~This bill would make a statement of legislative intent regarding the construction of the act. The bill would revise the definition of the term “claim” for purposes of the act and would define the term “adjudicative proceeding” for purposes of the act. The bill would delete the authorization for the fund to sue and be sued in its own name.~~

~~(4) Existing law requires the board to pay a claim for regulatory technical assistance to a property owner or operator who meets specified requirements and who is otherwise eligible for reimbursement.~~

~~This bill would limit the amount of such a claim to \$3,000 and would provide that technical assistance only includes~~

~~assistance in the preparation and submission of a claim, as specified.~~

~~(5) Existing law requires the board to determine an applicant's eligibility for a claim for corrective actions costs and to notify the applicant of this determination within 60 days of the receipt of the claim application and if a claimant requests a review of that determination, the board is required to render a decision within 30 days. The board is required to issue all decisions on a claim for corrective action costs and third party costs within 90 days after submission.~~

~~This bill would revise the procedures for making determinations on, those claims, including requiring the board to make a determination within 60 days from the date of the receipt of the claim application. The bill would specify procedures for filing a petition for review with regard to an unpaid claim, would specify the standard for judicial review of a final decision by the board, and would provide for related matters.~~

~~(6) Existing law specifies the conditions under which a corrective action site may be closed and authorizes the board to require closure of a tank case under the jurisdiction of a regional board or local agency that is implementing the local oversight program.~~

~~This bill would authorize the board to recommend closure of a tank case that is under the jurisdiction of a local agency that is not implementing the local oversight program and would specify procedures for the review of that decision. This bill would impose a state-mandated local program by imposing new duties upon the local agencies that implement the act.~~

~~(7) Existing law requires the board to pay a claim for the costs of corrective action to a person who owns property on which is located a release from a petroleum underground storage tank which has been the subject of a completed corrective action and for which additional corrective action is required because of additionally discovered contamination from the previous release.~~

~~This bill would specify that corrective action is completed when the local agency or regional board has issued a closure letter.~~

~~(8) The bill would correct obsolete references.~~

~~(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~*no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13480 of the Business and
2 Professions Code is amended to read:

3 13480. (a) It is unlawful for any person to sell any
4 petroleum product referred to in this chapter at any place
5 where petroleum products are kept or stored for sale,
6 unless there is affixed to each container, receptacle,
7 pump, dispenser, and inlet end of the fill pipe of each
8 underground storage tank, from which or into which that
9 product is drawn or poured out for sale or delivery, a sign
10 or label plainly visible consisting of the name of the
11 product, the brand, trademark, or trade name of the
12 product, and, in the case of engine fuel and kerosene, the
13 grade or brand name designation.

14 (b) When the product is oil, as defined by Section
15 13401, each sign or label shall also have in letters or
16 numerals, plainly visible, the viscosity grade classification
17 as determined in accordance with the Society of
18 Automotive Engineers (SAE) latest standard for engine
19 oil viscosity classification SAE J300 or manual
20 transmission and axle lubricants viscosity classification
21 SAE J306, as applicable, and shall be preceded by the
22 letters "SAE."

23 (c) When the product is automotive spark-ignition
24 engine fuel, except M-85 and M-100 methanol fuel, there
25 shall be conspicuously displayed on the dispensing device
26 at least one sign or label showing the minimum octane
27 number or antiknock index, as defined in Section 13403,
28 of the product sold therefrom.

1 (d) When the product is a motor fuel consisting of a
2 mixture or premixture of gasoline and oil or
3 gasoline-oxygenate blend and motor oil, there shall be
4 conspicuously displayed on the dispensing device at least
5 one sign or label stating the ratio of gasoline to motor oil
6 or gasoline-oxygenate blend to motor oil.

7 (e) All signs or labels required by this section for retail
8 motor fuel dispensers and containers of more than one
9 gallon capacity shall be in letters and numerals not less
10 than one-half inch (12.70 mm) in height. On containers
11 of one gallon or less, the signs or labels shall be in letters
12 and numerals not less than one-fourth inch (6.35 mm) in
13 height and one-sixteenth inch (1.59 mm) in width.

14 (f) The provisions of this section pertaining to octane
15 numbers or antiknock index and motor oil SAE viscosity
16 number grade shall not apply to products sold for aviation
17 purposes.

18 (g) This section shall apply, with respect to thinners or
19 solvents, only to the sale, delivery, or offer for sale of the
20 products through service stations, garages, and other
21 retail outlets.

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24 **All matter omitted in this version of the**
25 **bill appears in the bill as amended in the**
26 **Senate, June 24, 1998 (JR 11)**
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